

Serial No. 09/855,971
Docket No. NEC N01268
AMENDMENT B UNDER RULE 116

REMARKS

The art rejections are respectfully traversed.

Considering first to the rejection of claims 1, 3, 7, 13 and 15 as obvious under 35 USC§103(a) over Wilkins, US Patent No. 5,446,919, in view of Dedrick. Applicant's independent claims 1 and 13 require using the same channel for displaying the automatically selected commercial message. Wilkins teaches using multiple channels, broadcasting each commercial message on a separate channel and changing channels to allow the viewer to see the selected commercial message (col. 9; lines 16-27; col. 11, lines 20-48). Dedrick fails to supply the missing teachings to Wilkins. Dedrick is cited by the Examiner as teaching a system that allows a user to enter personal attributes, and is acknowledged as so teaching. However the teaching of using the same channel to display selected commercial messages missing from Wilkins also is missing from Dedrick. Therefore no combination of Wilkins and Dedrick can achieve or render obvious Applicant's claims 1 and 13, or claims 3, 7 and 15 which depend on claims 1 or 13 as the case may be.

Turning to the rejection of claims 2, 4, 6, 8, 14 and 19 under 35 USC§103(a) as obvious over Wilkins and Dedrick, and further in view of Wachob, US Patent No. 5,155,591, claims 2, 4, 6, 8, 14 and 19 depend directly or indirectly on claims 1 or 13 as the case may be. The deficiencies of the combination of Wilkins and Dedrick vis a vis claims 1 and 13 are discussed above. Wachob also fails to supply the missing teachings. Thus, no combination of Wilkins, Dedrick and Wachob would achieve or render obvious claim 1 and 13, or claims 2, 4, 6, 8, 14 and 19 which depend directly or indirectly thereon, as the case may be. Thus, Claims 2, 4, 6, 8, 14 and 19 are patentable for the reasons discussed above as well as for their own limitations.

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

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The foregoing amendment makes no claim changes, and thus should be entered as a matter of right.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

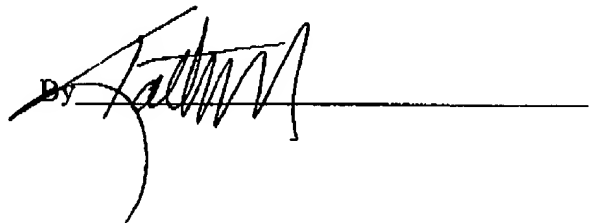


Norman P. Soloway
Reg. No. 24,315
Attorney for Applicant

CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER Jade O. Laye of the United States Patent and Trademark Office at facsimile number (571) 273-8300, on April 25, 2006 from Tucson, Arizona.

NPS:sb/kmg



HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE,
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.658.1400
FAX. 603.668.8567